



Exemptions Do They Apply To You?

 A pharmacy or medical supplier with less than 10 fulltime equivalent employees

No EDI

Industry will eventually require everyone to comply with HIPAA

HIPAA Requires Providers To Change The Way...

Patient information is stored

- Patient information is sent electronically to others
- Patient information is handled

Providers Will...

- Monitor and protect computer software
- Secure prescriptions and other patient records
- Protect computer systems from theft and destruction

A Message For Providers Think Reasonable & Scalable

- It's easy to get carried away with implementing
- Lot's of vendors pushing products and services
- Pharmacy chains will implement differently
- With HIPAA, one shoe size does not fit all...

Is Full Compliance An Issue?

- CMS audits transaction standards and code sets
- Office for Civil Rights monitors privacy and security
- CNN News releases a 30 minute segment on new patient rights
- Think of your patients as your first step toward an audit

EDI – A Bit Of A Challenge For Most...

- Use caution in relying on your software vendor's word regarding system compliance
- Using a testing certification vendor is highly recommended
 - » Claredi, EDICECS, Foresight Corporation, Applabs
- Follow up with your software vendor periodically for new releases



Generally Used PHI

- □ Name
- □ Address ■
- □ E-mail
- □ Dates
- □ Social Security Number
- Medical Record Number
- Health Plan Beneficiary Number
- □ Account Number
- Certificate Number
- □ License Number
- Vehicle Identifiers

- Facial Photographs
- □ Telephone Numbers
- Device Identifiers
- URLs
- □ IP Addresses
- Biometric Identifiers
- Geographic Units
- Any Other Unique Identifier

or Codes

Provider Marketing Issues...

- Must obtain the individual's prior written authorization for general marketing purposes except:
 - » Face to face encounters
 - » Products of minimal value
 - » Concerns health-related products judged beneficial
 - » Communication involving a promotional gift

Confidential Communications – Discretion Is Important

- Manage to your patients expectations
- Use discretion when communicating over the telephone or counter
- Respect privacy rights of your patients even when they forget too

Notice Of Privacy Practices A Must For All Providers

- Notice can be layered with summary information at the top and more detailed information at the bottom
 - Header: This notice described how medical information about you may be used and disclosed and how you can get access to this information. Please review it carefully. Clarification of an individuals privacy rights
 - A description and at least one example of the types of uses and disclosures
 - A description of each of the purposes for which the covered entity is permitted or required to disclose PHI

Notice Of Privacy Practices Keep It Simple (Continued)

- A statement that uses and disclosures follow more stringent State or Federal laws
- A statement that other uses and disclosures will be made only with the individuals written authorization and that the individual may revoke such authorization
- Separate statements for certain uses or disclosures
- Complaint contact
- Contact name for obtaining other information
- Effective date

Notice Of Privacy Practices

Informative (Continued)

- Revision practice and distribution process
- Providers must provide on the first date of service
- Notice must be available on site for distribution and prominently posted
- A notice must be maintained on a covered entity's Web site that provides customer service or benefit information

Business Associate Contracts Not Many For Most Providers

- Acts on behalf of a covered entity in conducting activities involving use of PHI
- Covered entities are not responsible for actions of business associates
- Monitoring is not required
- An organization can be both a covered entity and a business associate
- Due April 04

New Patient Rights – Many Others Exist

- Right to inspect and copy protected health information
- Right to amend
- All approve uses and disclosures
- Right to an accounting of disclosures
- Right to have reasonable requests for confidential communication accommodated
- Right to file a written complaint
- Right to receive written notice of information practices

Provider Signature Logs – Are They Required?

- HIPAA does not require providers to use patient tacking sheets
- Consider its purpose and value
- Look for opportunities to limit potential disclosure of PHI
- Evaluate low cost alternatives





covered entity must take to meet the standard, variation is likely to exist among practitioners. Patient files need to be secure within a secure location. Practitioners are not required to guarantee the protection of PHI against all forms of assault.

Practitioners are required to develop reasonable policies against theft of PHI.





Administrative Tasks For Providers...

- Designate a privacy official
- Develop policies and procedures
- Create the Notice of Privacy Practices
- Train employees

Compliance For Providers Means What?

- Transaction Standards
 - Vendor self-certification letter or third party certification (include specific transactions)
- Privacy
 - Gap assessment: Q&A
 - Policies and procedures
- Security
 - Gap assessment: Q&A
 - Policies and procedures

- Sample forms
- Training log

- Sample forms
- Training log
- Ongoing review of your compliance manual is required

Providers Worry...

- Charts on exam room doors
- Charging patients for a copy of their medical record
- Leaving appointment reminders on answering machines
- Managing the use of temporary office staff
- Leaving medical charts in physicians offices
- Work that's defined as "in progress"

Imagine A Time Period When...

 Patients only seek care from providers that are HIPAA compliant

Liability carriers insure based upon HIPAA compliance

 Financial institutions underwrite loans/lines of credit based upon HIPAA compliance

Lasting Thoughts...

- Other final rules expected to be released
- Ongoing modifications of existing rules likely to occur
- Continue to become "HIPAA Wise"
- Implementation dates are "start dates" not "end dates"



